

Remarks

The Section 102 (b) Rejections of Claims 1-11 and 14-21

The Examiner rejected Claims 1-11 and 14-21 under 35 U.S.C. §102 (b) as being anticipated by United States Patent No. 5,376,007 to Zirm (the Zirm patent). As a result of an Examiner Interview conducted on August 7, 2003, Applicant has amended Claim 1 to further clarify Claim 1 and requests reconsideration. Applicant courteously notes that in the Reply of August 1, 2003, Claim 22 was cancelled, thereby rendering the rejection of Claim 22 moot.

The display marker means claimed in amended independent Claim 1 enables an instructor to make notes on the claimed instruction image displayed by the display means claimed in Claim 1. As stated in the Reply of August 1, 2003, the display marker means enables an instructor to annotate an image with an infinite variety of notes, figures, numbers, and other forms of annotation. In addition, these annotations can be placed with or on an instruction image in real time, that is, at the same time as when the instruction image is being displayed to students or other persons.

In contrast, the disclosure of the Zirm patent lacks any means or method to annotate or place on instructor image any type of image with the exception of measurements of pressure applied an eyeball during eye surgery or dissection. More importantly, the disclosure of the Zirm patent lacks any means to place any type of note or figure, including pressure measurements, on any image in real time. (See Zirm column 4, lines 43-46, stating, “ As a result of the foregoing, the corresponding measurement findings at the conclusion of the operation can be coordinated with the video pictures of each operation, utilizing a synchronized timer as a basis. Emphasis added.) This demonstrates that the Zirm patent only discloses the coordination of pressure measurements with pictures, that this coordination can only be done at the conclusion of the session, and that a timer is needed to effect this coordination. Conversely, Claim 1 of the instant application enables the placement of a variety of images on an instruction image while that instruction image is being displayed, and without a timer or any other coordination device.

Support for amended independent Claim 1 is seen throughout the instant application. In paragraph 0005, lines 14-19, the claimed invention is described as also comprising a “multiplexed control means to receive the respective image signals, and a display means such as

a projection unit, one or more shared viewing monitors, or individual student monitors connected to the multiplexed control means for presenting an instruction image to the students in the laboratory" demonstrating that the instruction image is presented to students. Paragraph 006 describes an embodiment of the instant invention that includes "a display image marker connected to the multiplexed control means to allow the instructor to annotate the instruction image seen by the students", indicating that the annotations placed or positioned in the instruction image by the display marker are viewed by the student at the same time the instruction image is displayed, in other words real time.

Similar support can be seen in paragraph 0010, lines 15-18 describing the image signal from the multiplexed control means in such a way that "all students can simultaneously view instruction image 24." Paragraph 0012, lines 24-27 describes the display image marker as a video marking system that can "superimpose markings on instruction image 24." Therefore, it can be seen that if students can view an image simultaneously in real time and the markings from the display marker can be superimposed on the image, then the markings from the display image marker can be displayed in real time. This demonstrates support for independent Claim 1 as amended in the instant Supplemental Amendment.

Because the Zirm patent fails to anticipate all elements of amended independent Claim 1, it fails as a reference under § 102 (b). Applicant respectfully submits that amended independent Claim 1 is therefore in condition for allowance and courteously requests reconsideration.

Claims 2-11 and 14-21 depend from amended independent Claim 1 and thus incorporate all the elements of that claim. Because, as seen above, amended independent claim 1 is in condition for allowance, all claims depending from amended independent Claim 1 are also in condition for allowance. Applicant respectfully requests reconsideration.

Conclusion

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



C. Richard Lohrman
Registration No. 46,878
ATTORNEY FOR APPLICANT
Simpson & Simpson PLLC
5555 Main Street
Williamsville, NY 14221
Phone: (716) 626-1564
Fax: (716) 626-0366

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